

Notice of Allowability

Application No.

10/665,452

Examiner

Brandon Jackson

Applicant(s)

TAM ET AL.

Art Unit

3772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/5/2007.
2. ☒ The allowed claim(s) is/are 1-8, 11-21, 23-27 and 29-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

This action is in response to arguments/amendments filed 7/5/2007. Currently, claims 1-38 are pending in the instant application.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/5/2007 has been entered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anthony Kandare on 8/30/2007.

The application has been amended as follows:

Claim 1 has been replaced with the following:

A female condom, comprising:

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a pouch of resilient membranous material having an open end, a closed end, an outer surface and an inner surface;

at least one hydrophilic cling element attached to said outer surface of said pouch, said at least one cling element being disposed between said open end and said closed end, each one of said cling elements adapted to cling lightly to walls of a vagina proximate a transition zone between the vagina's introitus and its rugated internal vaginal tissue for anchoring said pouch in or slightly beyond said introitus; and

an inserter attached to said pouch for retaining a distal portion of said pouch and facilitating insertion of said female condom into a vagina;

wherein said inserter is generally dissolvable in the vaginal environment and said distal portion of said pouch is slidably retained in said inserter.

Claims 9 and 10 are cancelled.

In claim 11, line 1, -- 9 -- has been deleted and "1" has been added after claim.

In claim 13, line 1, -- 9 -- has been deleted and "1" has been added after claim.

In claim 15, line 1, -- 9 -- has been deleted and "1" has been added after claim.

In claim 16, line 1, -- 10 -- has been deleted and "1" has been added after claim.

Claim 18 has been replaced with the following:

A female condom, comprising:

an elongated pouch of resilient membranous material having an open end, a closed end, an outer surface, an inner surface and a longitudinal axis; and

a cling mechanism attached to said outer surface of said pouch and disposed between said open end and said closed end, said cling mechanism adhering to said pouch without imparting outward biasing force thereto; and

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an inserter attached to said pouch for retaining a distal portion of said pouch and facilitating insertion of said female condom into a user's vagina;

wherein said inserter is generally dissolvable in the vaginal environment and, upon insertion into a user's vagina, said cling mechanism comes into contact with vaginal walls proximate a transition zone between the vagina's introitus and its rugated internal vaginal tissue, and clings lightly to the vaginal walls.

Claim 22 is cancelled.

Claim 23 has been replaced with the following:

A packaged female condom comprising:

a pouch having an open end and a distal end; and

an inserter attached to said distal end of the pouch, said inserter retaining a distal portion of said pouch in a collapsed form;

wherein said inserter is generally dissolvable in the vaginal environment.

Claim 24 has been replaced with the following:

The female condom package of claim 23, further comprising:

a cling mechanism attached to an outer surface of said pouch and disposed between said open end and said distal end of said pouch, said cling mechanism including a hydrophilic foam cling element;

wherein said inserter retains said cling mechanism in a collapsed form and, upon insertion into a user's vagina, said cling mechanism deploys from said inserter and comes into contact with vaginal walls for lightly clinging to said vaginal walls.

Claim 28 is cancelled.

In claim 29, line 1, - - 28 - - has been deleted and "23" has been added after claim.

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In claim 35, line 1, -- 23 -- has been deleted and "24" has been added after claim.

In claim 38, line 1, -- 23 -- has been deleted and "24" has been added after claim.

The following is an examiner's statement of reasons for allowance:

The subject matter of the independent claim(s) could either not be found or was not suggested in the prior art of record. The subject matter not found was an inserter attached to the distal end of the pouch that is dissolvable in the vaginal environment; and a method of packaging the condom comprising a pouch having lateral and longitudinal pleats that are collapsed over a mandrel.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Jackson whose telephone number is (571)272-3414. The examiner can normally be reached on Monday - Friday 8-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on (571)272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brandon Jackson
Examiner
Art Unit 3772

BLJ


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9/3/07